



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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ANDREA SHERIDAN ORDIN
County Counsel

June 14, 2010

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: JOHN F. KRATTLI 
Senior Assistant County Counsel

RE: **James Flores v. County of Los Angeles**
Los Angeles Superior Court Case No. BC 398 286

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisor's agenda.

JFK:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled James Flores v. County of Los Angeles, Los Angeles Superior Court Case No. BC 398 286, in the amount of \$1,999,000 plus assumption of a Medi-Cal lien in the amount of \$747,204 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Health Services' budget.

This medical negligence lawsuit arises from treatment received by a patient while hospitalized at LAC+USC Medical Center.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	James Flores v. County of Los Angeles
CASE NUMBER	BC 398286
COURT	Los Angeles Superior Court Central District
DATE FILED	September 16, 2008
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$1,999,000 plus the assumption of the Medi-Cal lien in the amount of \$747,204
ATTORNEY FOR PLAINTIFF	Steven Gamberdella, Esq.
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian
NATURE OF CASE	<p>On August 6, 2006, James Flores presented to the emergency department at LAC+USC Medical Center ("LAC+USC") with complaints of chest and upper back pain.</p> <p>The LAC+USC staff evaluated the patient and conducted various diagnostic tests to identify the cause of his condition. The medical staff also arranged for various medical specialties to examine and evaluate the patient.</p> <p>In spite of the efforts undertaken by the staff at LAC+USC, including surgery, the patient developed a condition whereby his</p>

cervical spinal cords were compressed due to slow and minor bleeding. As a result, the patient became paralyzed.

Mr. Flores brought a medical malpractice lawsuit against the County of Los Angeles, claiming that the LAC+USC staff delayed in providing the necessary medical care and treatment contributing to his paralysis.

The County proposes to settle this case in the amount of \$1,999,000 plus the assumption of the Medi-Cal lien in the amount of \$747,204.

PAID ATTORNEY FEES, TO DATE

\$509,956.54

PAID COSTS, TO DATE

\$207,396.71

Case Name: FLORES



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	August 6, 2006
Briefly provide a description of the incident/event:	On August 6, 2006, James Flores presented to the emergency department at LAC+USC with complaints of chest and upper back pain. The LAC+USC staff evaluated Mr. Flores and conducted various diagnostic tests to identify the cause of his condition. The medical staff also arranged for various medical specialties to examine and evaluate him. In spite of the efforts undertaken by the LAC+USC staff, including surgery, Mr. Flores developed a condition whereby his cervical spinal cord was compressed due to slow and minor bleeding. As a result, Mr. Flores became paralyzed.

1. Briefly describe the **root cause(s)** of the claim/lawsuit:

Delayed work up of diagnostic tests resulting in incomplete quadriplegia.

2. Briefly describe recommended corrective actions:

(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

- Availability of in-house CT/MRI at the new facility as well as other operational efficiencies has reduced the wait time for CT and MRI.
- The anticoagulation program policy was developed to provide guidelines to standardize pharmacy response to requests for assistance in managing anticoagulants.
- All DHS facilities have fully defined and implemented anticoagulation programs.
- All DHS facilities have procedures for obtaining CT scans on weekends.

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- ☐ Potentially has Countywide implications.
- ☐ Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- X Does not appear to have Countywide or other department(s) implications.

County of Los Angeles
Summary Corrective Action Plan

Name: (Risk Management Coordinator) <i>Kimberly mckenzie</i>	
Signature: <i>Kimberly mckenzie for</i>	Date: <i>5-27-10</i>

Name: (Department Head) <i>John F. Schunhoff</i>	
Signature: <i>John F. Schunhoff</i>	Date: <i>5-27-10</i>

Chief Executive Office Risk Management Branch

Name: <i>Robert Chavez</i>	
Signature: <i>Robert Chavez</i>	Date: <i>5/19/10</i>

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